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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

TRANSPERFECT GLOBAL, INC.,
TRANSPERFECT TRANSLATIONS
INTERNATIONAL, INC., AND
TRANSLATIONS.COM, INC.,

Plaintiffs/Counterclaim-Defendants,

vs.

MOTIONPOINT CORPORATION,

Defendant/Counterclaim-Plaintiff.

CASE NO. CV 10-02590 CW (JCS)

**STIPULATION AND ~~PROPOSED~~
ORDER MODIFYING PRETRIAL AND
TRIAL SCHEDULE**

1 Plaintiffs and Counter-Claim Defendants TransPerfect Global, Inc., TransPerfect
 2 Translations International, Inc., and Translations.com, Inc. (together, "TransPerfect"), and
 3 Defendant and Counter-Claim Plaintiff MotionPoint Corporation ("MotionPoint"), by and through
 4 their counsel below, hereby jointly submit this stipulation and proposal to modify the pretrial and
 5 trial schedule.

6 WHEREAS, the Court in its September 19, 2012 Case Management Order (a) set the final
 7 pretrial conference for Wednesday, May 29, 2013, with corresponding deadlines in advance
 8 thereof for the exchange and submission of pretrial disclosures and other pretrial materials;
 9 (b) ordered the parties to participate in private mediation by Wednesday, April 10, 2013 (or as
 10 soon thereafter as is convenient to the mediator's schedule); and (c) set the case for a 10-day jury
 11 trial beginning June 10, 2012 (*see* Order, Dkt. 223);

12 WHEREAS, the Court has advised the parties "to go to private mediation after this [claim
 13 construction and summary judgment] order comes out" (Hrg. Tr., Dkt. 267 at 53:17-18), which
 14 order the Court has not yet issued;

15 WHEREAS, the Court has informed the parties that the trial start date may be moved from
 16 June 10, 2013 to June 24, 2013 (*Id.* at 55:10-11 ("... I may not be able to try it on that date [June
 17 10] we might be able to start on the 24th, which is a day you were planning on being in trial
 18 anyway")); Dkt. 266);

19 WHEREAS, the parties have met and conferred regarding scheduling of mediation and
 20 other pretrial deadlines in light of the anticipated move of the trial start date to June 24, 2013;

21 NOW, THEREFORE, in anticipation of the Court moving the trial start two weeks later to
 22 June 24, 2013, the parties hereby STIPULATE AND AGREE (a) to moving the final pretrial
 23 conference two weeks later to June 12, 2013, (b) to scheduling private mediation to occur within
 24 30 days after the Court issues its claim construction and summary judgment order, and (c) to
 25 beginning trial on June 24, 2013. Accordingly, the parties propose and respectfully request that
 26 the Court enter an order adopting the following changes to the schedule in this action:

	Current Deadline	Proposed Deadline
ADR Cutoff	Wednesday, April 10, 2013 (or as soon thereafter as is convenient to the mediator's schedule)	Within 30 days of the Court's issuance of a claim construction and summary judgment order
Final Pretrial Conference	2:00 P.M. on Wednesday, May 29, 2013	2:00 P.M. on Wednesday, June 12, 2013
Jury Trial to Begin	8:30 A.M. on June 10, 2013	8:30 A.M. on June 24, 2013

The parties also respectfully request that trial in this matter be held on July 2 and July 3, as the Court suggested at the Markman hearing. (Mar. 14, 2013 Hearing Tr. at 55:25-56:2.)¹ The parties are working to streamline the issues in dispute for trial. Depending upon the result of those efforts and this Court's pre-trial rulings, a shorter trial than the allocated 10 days may be possible.

¹ The parties understand that July 1, 2013 is a furlough day.

1 IT IS SO STIPULATED.

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3
4 KASOWITZ, BENSON, TORRES &
5 FRIEDMAN LLP

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6 /s/ L. Okey Onyejekwe Jr.

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16
17 I hereby attest pursuant to Civil Local Rule 5-1(i) that concurrence in the electronic filing
of this document has been obtained from the other signatories.

18
19 /s/ L. Okey Onyejekwe Jr.

L. Okey Onyejekwe Jr.

~~PROPOSED~~ ORDER

Pursuant to the parties' stipulation, the final pretrial conference is continued from May 29, 2013 to June 5, 2013. The trial is continued from June 10, 2013 to June 24, 2013 and will include trial days on both July 2 and July 3, 2013. The ADR cutoff of April 10, 2013 is hereby VACATED. The parties are directed to meet with a private mediator within twenty-one days of the Court's claim construction and summary judgment order.

IT IS SO ORDERED.

DATED: April 16, 2013

A handwritten signature in blue ink, appearing to read 'Claudia Wilken', is written over a horizontal line.

Hon. Claudia Wilken
United States District Judge